

S.B. CIVIL WRIT PETITION NO.4829/2004.
(Smt. Bhanwari Devi Rawal vs. State & ors.)

DATE OF ORDER : 02.05.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr.R.L. Sonel for the petitioner.
Mr.Shyam Ladrecha, AGA, for the respondents.

By this petition for writ, a direction is sought by the petitioner to regularize him in service as Class-IV employee with respondents.

In brief, the factual matrix of the case is that the petitioner was employed as a Cook at Government Hostel, Social Welfare Department, Osian on 03.09.1991. The respondents regularized the services of number of persons in Class IV cadre including the persons who were employed subsequent to the petitioner, thus, the petitioner submitted a representation to the competent authority and that came to be rejected by the Additional Director (Administration), Social Welfare Department, Jaipur on the count that the Screening Committee met on 21.02.2003 to consider cases of Part Time Cooks/ Chaukidars, on examination of record, found that the petitioner was not working on 01.05.1995 i.e. the cut off date for regularization and, therefore, it was not possible to regularize her in service. Being aggrieved by the same, this petition for writ is preferred.

The contention of the petitioner is that as a matter of fact on 01.05.1995, she was very well in the employment of the respondents being employed on 03.09.1991. During the course of hearing on 24.11.2006, learned counsel for the respondents sought time to verify as to whether on 01.05.1995 the petitioner was merely not present on duty or was not in employment. Quite fairly, today it is stated by learned Additional Government Advocate Shri Shyam Ladreacha that on 01.05.1995, the petitioner was absent from duty, but prior to that and subsequent thereto she was in employment of the respondents.

The respondents considered cases of the persons who were in employment with the Social Welfare Department on part time basis on 1.5.95, and their services were regularized. The petitioner on the day concern was on leave, but she was certainly in employment of the respondents and, therefore, her case was also required to be considered for regularization in service. The respondents apparently committed an error while not considering candidature of the petitioner for regularization by treating her not in employment on 01.05.1995 though she was simply absent from the duty on that day.

In view of whatever discussed above, this petition for writ deserves acceptance and same therefore is allowed. The

respondents are directed to regularize services of the petitioner in Class IV Cadre and if she is otherwise found suitable, appointment be given to her on regular basis from the date the same was done in case of other similarly situated persons, The petitioner is also declared entitled for getting regular pay scale applicable for the post of Cook in Class IV Cadre of the Government of Rajasthan Service from the date of filing this petition for writ i.e. 30.10.2004.

No order to cost.

(GOVIND MATHUR)J.

Anil/